

City of Springfield  
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY, JANUARY 9, 2006

The City of Springfield Council met in a work session in the Library Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, January 9, 2006 at 5:30 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Lundberg, Woodrow, and Pishioneri. Also present were Interim City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Councilors Fitch and Ralston were absent. (excused)

1. Joint Meeting with the Springfield Arts Commission.

Librarian Barbara Thompson presented the staff report on this item. The Arts Commission will meet with the City Council to share information and discuss common goals and issues of interest.

1. Introductions

Arts Commission Chair Janelle McMahan introduced commission members Judy Macomber, Robert Winkleman, Kris Redmond, Andy Anderson, Rosalee Baker, John Keskinen, and Charlene Eckman.

Arts Commission member Donald Durland was absent.

Each Arts Commission member gave a brief explanation of their background and what they enjoyed about being part of the commission.

2. Arts Commission Charge

Ms. McMahan asked Ms. Thompson to discuss the Arts Commission Charge.

Ms. Thompson gave a brief history of the Arts Commission and that it was created by Council twenty years ago for the specific goal of creating Art Alley. In general, the Commission was charged with promoting the arts in Springfield. She said the Commission provided opportunities for artistic creation, exhibits, performances and events and promoted cooperation among different organizations to make art accessible in Springfield. She said the Commission sought to educate the community about the role arts played in enhancing the quality of community life. She said the Arts Commission accomplished that with a \$5000 annual budget, part-time staff help, and a very active hands-on Commission.

3. Public Art Projects Update  
a. Art Alley

Ms. McMahan distributed the Walk of Art brochure to the Mayor and Councilors.

Councilor Ballew asked the Commission to tell the council where they set up exhibits or how they traveled around.

Ms. Macomber noted that the Walk of Art brochure was created about three years ago with Nada Zawodny doing the copyrighting and Paul Bourgault doing the graphic design. She said the brochure showed where every piece of public art was located in Springfield.

Mr. Anderson discussed the Art Alley. He said there were fifteen Art Alley murals that had withstood the Oregon weather very well. He said the Commission was studying prospective sites for a new mural with a historic theme. Notebooks which highlighted some of the art in Springfield were passed around for council to review.

Ms. Redmond said her committee was searching for a new site and an artist for a new mural. She said the goal of the committee was to select an artist and site during 2006 and Council would be notified.

b. City Hall Gallery

Ms. Baker said the City Hall Gallery had been in place since 1989. The main purpose of the City Hall Gallery was to feature and showcase local artists. She discussed several notable arts shows that were in the City Hall Gallery and noted that over eighty people were in attendance for the reception of both art shows. She discussed sitting in on the jury to choose artwork for alley. She said she was very impressed with the opportunity for new artists who had never held a show to feel free to come to the Commission to find out how it was done. She said it helped new artists to not feel threatened by the process, but to receive valuable advice and encouragement. She said that was a benefit of the process.

Ms. Macomber said the City got a great deal of publicity through those art shows. She said getting that type of publicity was good for both the City and the artists.

Mr. Keskinen said the mail art exhibit display was not the usual art show.

Ms. McMahan said the publicity made the Commission realize that many people did not know about the Arts Commission or the Gallery. She handed around a booklet that highlighted all the different studios and galleries in Lane County area. The Art Gallery was listed in that booklet.

Mr. Anderson discussed the mail art exhibit and the challenge in putting it up. The Commission was pleased that everyone enjoyed the display.

c. Luigi Testa Sculpture Gift

Ms. McMahan said the metal sculptures were a gift to the Arts Commission several years ago. The Commission was currently in the process of cataloging the sculptures so they could be put out for public display. She discussed some possible locations to display this art, such as the bus station and the Springfield Justice Center. The sculptures could also be loaned out to businesses. She said the sculptures were very different art, which was very good for the Commission.

Ms. Macomber said when the Arts Commission received the sculptures, the Commission members wanted to display them in the Emerald Art Center. She noted the help from the Ed Black with the City Maintenance Department. There was a lot of good publicity and controversy from this exhibit.

Ms. McMahan said there were three smaller pieces of this exhibit on permanent display in the library. She said Luigi also sent a hanging object for the mail art exhibit.

4. Arts Education Programs Update  
a. Springfield Library Puppet Festival

Ms. McMahan distributed a flyer for the Springfield Puppet Festival. She said the entire Arts Commission was involved in this festival and Willamalane partnered in this event. She said it was a great community show and they usually had approximately 1500 attend the three different shows. She noted the other agencies that had helped with the financing of this project. Willamalane provided the large meeting space to allow for the number of people who attended.

Mr. Keskinen said the Puppet Workshop was the beginning of the events that lead up to the Puppet Festival. He discussed his and his son's experience as volunteers. He said normally fifteen children signed up, with four sessions of puppet making and the culmination of the show.

Ms. McMahan said Celeste Rose had participated in these shows and was wonderful with the kids.

b. Youth Arts Workshops

Ms. Eckman said once a month there was a free two-hour arts class in the Library. She said it was called the First Tuesday Crafts Club and she helped with the first one last week. She said she would teach a couple of the classes in the spring.

Ms. McMahan noted a picture in one of the notebooks passed around of one of the workshops. She discussed some of the projects taught in these workshops. She said by having the workshops each month, they felt they could get more involvement.

Ms. Redmond said PJ Sargeant's dream was to have these classes each month. The response had been terrific. She discussed her fun experience in teaching one of the classes.

c. Heritage Arts Grants

Ms. Macomber said they had \$2000 a year in grant funds to spread out amongst various entities throughout the city. She discussed the application process for receiving grant funds. She said during the last year, five applications were received, totaling exactly \$2000, so all were awarded the amount requested. She discussed the grant money that was awarded this year. She discussed the project Springfield High School used their grant money for, which included having the students put on an art show, from beginning to end.

Mr. Keskinen said the Commission tried to fund local art projects that were part of local art groups. He said grant winners must use that money in a way that culminated in a public

performance or showing. He said the grants offered awards and incentives to be artistic. He said it introduced to viewers and participants a perspective larger than our community. He discussed the quilt making project at Moffitt Elementary following 9-11 which was funded with the Heritage Arts Grants. He said it taught the existence of means and process for those that did not know what went on in governments and businesses, requiring the applicants to think through the process and understand a budget. He said of the last \$8000 given, nearly \$3500 went to local schools, \$3600 went to library and museum functions. Only \$200 had gone to a musical group and he hoped that would change.

Ms. McMahan explained that the \$200 had gone to the flute choir. She said the choir asked her to come and present the check to them and were very excited and appreciative. She discussed a performance by the flute choir to middle school children and the impact they had on the children. She distributed other public relations materials. She said the Arts Commission was currently working on putting together a webpage.

Mr. Anderson said they had worked to create icons to get to different sites, working on it page by page. It was a very long and difficult process.

Ms. McMahan said because the Arts Commission was funded through the City, they wanted to connect with the City site.

Councilor Ballew asked if the exhibits put on by the Springfield High School students were very well attended.

Ms. Macomber said there was a small reception, but usually only students and parents. She said classrooms of student would come through to see the exhibits nearly every month. She said the 9-11 quilt show had a lot of activity and attendance. She said it depended on the exhibit.

Ms. McMahan said part of the project was for the students to learn how to hang a show and put it together. There were a lot of people looking at those exhibits.

Councilor Ballew said it would be nice if their fellow students would rally around and attend the exhibits. She asked if the exhibit was put in the school's newsletters.

Ms. Macomber said she did not know. She discussed the difficulty in getting the general population to attend art exhibits.

Ms. McMahan said Allison McNair painted the last mural with high school students. She said the high school students were going to make a mural out of tiles. The Arts Commission was helping to fund that activity.

Ms. Macomber said by doing those types of projects, more students became involved and interested.

Councilor Lundberg talked about bringing more people downtown. She discussed holding a Friday night event during the summer. She talked about the design of the steps going up to City Hall which were built to be used as arena style seating for events and performances.

Ms. Macomber said that had been discussed by many groups. She said it would be great.

Ms. Baker discussed opening of City Hall and how a choral group she was involved with performed on the steps of City Hall during that opening event.

Mayor Leiken thanked the Arts Commission for the update and information.

## 2. Amendment of the Springfield Municipal Code Chapter 5.

City Planner Sarah Summers presented the staff report on this item. The Drinking Water Protection (DWP) Plan, adopted in May, 1999, calls for a drinking water protection overlay district that applies to both existing and new businesses that use chemicals hazardous to groundwater and surface water. The proposed ordinance implements the section of the DWP Plan that calls for regulating existing business uses of these chemicals. New uses have been regulated since May, 2000.

The Drinking Water Protection Plan, the Drinking Water Overlay District, the DWP Plan Addendum (2002) for surface water, and the adoption of the DWP Plan by Lane County satisfy Springfield's Task 5 of the Periodic Review. Springfield's drinking water comes largely from groundwater aquifers and is a statewide Goal 5 resource which must be protected. The adopted DWP Plan states that the DWP Overlay District applies to regulation of both existing and new uses of materials hazardous to groundwater. New uses were regulated in Springfield Development Code (SDC) Article 17 when the Overlay District was adopted in May, 2000. The proposed Municipal Code ordinance applies regulations to existing uses as required in the DWP Plan. Ballot Measure 56 notices were sent to property owners, and public notice was published for the January 17, 2006 hearing.

Ms. Summers introduced Nancy Moreno and Chuck Davis from Springfield Utility Board (SUB). She referred to maps on the wall which showed locations and time-of-travel zones (TOTZ). She explained that the ordinance would put the Springfield Development Code, Article 17 into the Municipal Code and put the existing uses of chemicals in the Municipal Code and amortize the ten-year period. She said it would do what the DWP Plan stated. She noted that the maps also showed the overlay district which was in the 0-10-year TOTZ and that they only included properties zoned commercial or industrial. She said there was a list included in the agenda packet which showed the areas that would be impacted. Those with Dense Non-Aqueous Phase Liquids (DNAPL's) that they would be unable to use something else for would not be able to have those DNAPL's. She explained the meaning of DNAPL's.

Mayor Leiken discussed his experience with DNAPL's when he owned a dry-cleaning business. He said there were alternatives available to replace the DNAPL's in the dry cleaning business.

Ms. Summers further described the DNAPL's and the difficulty in cleaning them.

Mayor Leiken also noted that over time DNAPL's penetrate concrete slabs.

Councilor Ballew asked for clarification about the prohibition for new uses that was currently in the Development Code. She asked if putting into the Municipal Code would regulate the existing users. Ms. Summers said that was correct. Councilor Ballew asked why the 10-years was used.

Ms. Summers said 10 years was suggested by the task group. They felt it was a reasonable period of time for businesses to use other things, move or use up their existing inventory.

Councilor Ballew asked what the Jerry Brown Company did.

Ms. Summers said it was a fueling station for truckers, etc. Their tanks could not be put above the ground because they were on top of a well head and were not allowed to have more than five-hundred gallons in that TOTZ.

Councilor Ballew asked if the Jerry Brown Company knew of the regulation at that time when they bought the property.

Mr. Davis said the Eugene Farmers' Co-op had started that card lock facility. When Eugene Farmers' Co-op owned it they had a leak, there was a clean-up and they received Department of Environmental Quality (DEQ) approval to stop doing clean-up. At that point, Jerry Brown purchased that property. Jerry Brown told the city that Eugene Farmers' Co-op did not let them know the City was working on the second part of the plan to apply the overlay zone to existing businesses.

Councilor Ballew asked about the continuing use of an exceptional use as noted by the attorney for Jerry Brown. She said she did not think that was true.

City Attorney Joe Leahy said the City had looked at Oregon law regarding an amortization period. The City Attorney's office determined that the City could do an amortization period that was reasonably related to the use and the purpose. He said the bottom line was the protection of the drinking water for the citizens of Springfield. The point made in the letter from the attorney which was included in the agenda packet, was that the amortization period was not long enough for them to amortize their investment, and they felt there would be a taking at that time. The City was proceeding to look at that from a legal perspective and by having Springfield Budget Officer Bob Brew and SUB Financial Officer Bob Fondren look at the analysis in Mr. Vaughan's letter which contained a letter from the attorneys Jones and Roth. The City was waiting for Mr. Brew and Mr. Fondren to give staff additional information to include in the packet. He said if the legal point was correct, and the City was not able to put some type of exception in with Council's approval, the property owner could allege there was a taking and they were not given enough time to amortize the investment they had. He said at that point, there should be discussion between the SUB Board and City Council regarding which entity would be financially responsible if such an allegation was made. He discussed acquiring property for the public good or for the property owner. He explained that was resolved by acquiring the property for the public good, but the property owner would be entitled to fair compensation for their property. He said staff was looking at a way for Council to have a reasonable exception, have a discussion with the SUB Board regarding which entity was financially responsible, or tell council that on the basis of analysis by the City's and SUB's financial departments that perhaps the claims articulated by Jones and Roth were more than merited.

Councilor Ballew asked if Eugene Farmers' Co-op was still in business. No.

Mr. Leahy said staff recommended the ordinance to Council, recognizing there was an unresolved issue that would need to be resolved in the next several weeks. He said there could be some arguments during the public hearing.

Councilor Ballew said if an exception was given, the company would have to be held responsible for anything that went wrong.

Mr. Leahy said that would be required. The City would not negotiate away the business's responsibilities.

Mr. Davis discussed the figures he had come up with if the wellfield were shut down in that location and the difficulty in locating another source for a wellfield. He said the expense on the public side would increase quite a bit if a wellhead was contaminated and couldn't be resolved. He discussed treatment processes, similar to the one Weyerhaeuser chose for their wellfield in case of contamination, and the high cost for the process and the operations cost. He said there was a lot of unrecognized public cost when a company went out of business.

Mr. Leahy said if the amortization was set at 10-years and the company could show through their accountants that they had 15-years of life and there was a taking, a sub-issue would be who would pay. The second issue would be when such a claim could arise. It could arise now or it could arise in 10-years when the City of Springfield sent out a notice telling the company they needed to close down.

Councilor Ballew asked if the company had a basis for a case.

Mr. Leahy said that was what the city and SUB's accountants were researching. He discussed the principle of amortization and the uniqueness of this case.

Mayor Leiken said he had a hard time understanding how Jerry Brown's company missed this. He said they should have known to ask the questions. He said looking at exceptions would not be a good option. He discussed the town hall meetings when this was first adopted and the number of businesses who attended those meetings. He said if an exception was given to this company, the other companies would be unhappy. He questioned why Jerry Brown did not talk with the City to ask questions when he purchased the property.

Mr. Leahy said Jerry Brown and other property owners would likely be at the Council meeting to express their objections to this ordinance. Council could ask them those questions at that time if they chose.

Mayor Leiken said public safety needed to come first.

Mr. Davis discussed the thousands of homes that would be affected if there was contamination at that site.

Mayor Leiken said he was not being insensitive, but felt the company should have been sophisticated enough to talk to City Hall when they bought the property. He said the City needed to hold their ground on this.

Mr. Leahy said there should be discussion with the SUB Board about the cost in the event a lawsuit was charged. They needed to determine who would pay.

Councilor Ballew asked if the SUB Board knew of these possible difficulties.

Mr. Davis said they had discussed it in the past, but would need to discuss it again. They often talked about possibilities.

Mr. Leahy said he would meet with SUB's attorney. It was important for them to know what the City was embarking upon so everyone was aware.

Councilor Ballew suggested a joint meeting with the City Council and SUB Board to discuss groundwater issues in general.

Mr. Davis said he would check in with SUB's General Manager, Bob Linahan.

Ms. Pappas said she would also contact Mr. Linahan to get an idea of the Board's preference.

Ms. Summers said she had received a lot of calls regarding this ordinance, but very few of those who called would be impacted like Jerry Brown. The purpose was not to put people out of business, but to help them have their containment and safety practices in place and educate those that work there to make the businesses safe. It would protect the business from liability as well.

Mayor Leiken asked what would have happened if the tanks at that site had been put above ground. He asked if it would have been grandfathered in or if it would be the same issue.

Ms. Summers said it would be the same issue because they had over 500 gallons.

Discussion was held regarding the issues with tanks above ground. The issue was capacity and location.

Ms. Summers said she would bring this to Council for a public hearing on January 17, 2006.

Mr. Leahy said staff may need to extend the public hearing in order to make it work to Council's satisfaction following any comments during the public hearing.

Ms. Summers said at this time they would not put exceptions into the ordinance.

#### ADJOURNMENT

The meeting was adjourned at 6:47 pm.

Minutes Recorder – Amy Sowa

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Sidney W. Leiken  
Mayor

Attest:

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Amy Sowa  
City Recorder